

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 10, 13, 16, 19, 22 and 25 have been canceled and incorporated into the independent claim from which they depended. Claims 9, 12, 15, 18, 21, 24, 27 and 30 have been further amended to more clearly set forth the present invention. Claims 1-8 have been previously canceled. Thus, claims 9, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24, and 26-32 are currently pending in the application and subject to examination. No new matter has been added. Since each of the dependent claims being canceled is incorporated into its parent claim, no new issues are being presented. These claims were previously properly before the Examiner. Entry of the same is respectfully requested.

In the Office Action mailed November 17, 2005, claims 9-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,577,811 to Kikuchi et al. (hereinafter, "Kikuchi"). It is noted that claims 10, 13, 16, 19, 22 and 25 have been canceled, and claims 9, 12, 15, 18, 21, 24, 27 and 30 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicants hereby traverse the rejection, as follows.

Claims 9, 11, 15, 17, 21 and 23

Independent claims 9, 15 and 21 are directed to an information recording system for recording a data structure on a recording medium, an information recording method, and an information recording medium encoded with a data structure, respectively. In each of claims 9, 15 and 21, the data structure or information to be recorded includes at

least record information that includes 1) a plurality of first information units, 2) one or more second information units each of which contains one or more first information units and 3) one or more third information units each of which contains one or more first information units, first identifying information that corresponds to each of the one or more second information units and that indicates whether a corresponding second information unit is in a logically erased state, and second identifying information that corresponds to each of the one or more third information units and indicates whether erasing or editing of a corresponding third information unit is allowable.

Thus, in the claimed invention, information is provided that indicates whether an information unit having record information is in a logically erased state. Therefore, since record information can be placed into a logically erased state, it is possible to remove such record information, for example, from information to be reproduced, without physically erasing such information.

In contrast, as noted by the Examiner in the outstanding Office Action, Kikuchi discloses at col. 22, line 65 - col. 23, line 5:

a 1-byte field for setting an erase prohibition flag is assured at a relative byte position (RBP). When "0" is described in this erase prohibition flag field, data can be freely erased; when "1" is described, data is to be permanently kept. This description can be freely made by the user.

Kikuchi, col. 22, line 65 - col. 23, line 5.

Thus, in Kikuchi, the information provided by the flag indicates only whether record information is or is not erasable. Kikuchi neither discloses nor suggests providing information that indicates whether record information is in a logically erased

state, as recited in the claimed invention. Specifically, Kikuchi neither discloses nor suggests at least the combination of record information that includes 1) a plurality of first information units, 2) one or more second information units each of which contains one or more first information units and 3) one or more third information units each of which contains one or more first information units, wherein the first identifying information corresponds to each of the one or more second information units and indicates whether a corresponding second information unit is in a logically erased state, and wherein the second identifying information corresponds to each of the one or more third information units and indicates whether erasing or editing of a corresponding third information unit is allowable, as recited in independent claims 9, 15 and 21, as amended.

For at least this reason, the Applicants submit that claims 9, 15 and 21, as amended, are allowable over Kikuchi. As claims 9, 15 and 21, are allowable, the Applicants submit that claims 11, 17, and 23, which depend respectively therefrom, are likewise allowable.

Claims 12, 14, 18, 20, 24 and 26

Independent claims 12, 18 and 24 are directed to an information recording system for recording a data structure on a recording medium, an information recording method, and an information recording medium encoded with a data structure, respectively. In each of claims 12, 18 and 24, the data structure or information to be recorded includes at least record information that includes one or more information units and one or more third information units which can be set by a user, first identifying information that corresponds to each of the one or more information units and indicates whether a corresponding second information unit is in a logically erased state, and

second identifying information that corresponds to each of the one or more third information units and that indicates whether erasing or editing of a corresponding third information unit is allowable.

Thus, in the claimed invention, information is provided that indicates whether an information unit having record information is in a logically erased state. Therefore, since record information can be placed into a logically erased state, it is possible to remove such record information, for example, from information to be reproduced, without physically erasing such information.

In contrast, as noted by the Examiner in the outstanding Office Action, Kikuchi discloses at col. 22, line 65 - col. 23, line 5:

a 1-byte field for setting an erase prohibition flag is assured at a relative byte position (RBP). When "0" is described in this erase prohibition flag field, data can be freely erased; when "1" is described, data is to be permanently kept. This description can be freely made by the user.

Kikuchi, col. 22, line 65 - col. 23, line 5.

Thus, in Kikuchi, the information provided by the flag indicates only whether record information is or is not erasable. Kikuchi neither discloses nor suggests providing information that indicates whether record information is in a logically erased state, as recited in the claimed invention. Specifically, Kikuchi neither discloses nor suggests at least the combination of record information that includes at least record information that includes one or more information units and one or more third information units which can be set by a user, first identifying information that corresponds to each of the one or more information units and that indicates whether a

corresponding second information unit is in a logically erased state, and second identifying information that corresponds to each of the one or more third information units and indicates whether erasing or editing of a corresponding third information unit is allowable, as recited in independent claims 12, 18 and 24, as amended.

For at least this reason, the Applicants submit that claims 12, 18 and 24, as amended, are allowable over Kikuchi. As claims 12, 18 and 24, are allowable, the Applicants submit that claims 14, 20, and 26, which depend respectively therefrom, are likewise allowable.

Claims 27-29

Independent claim 27 recites, in part:

means for recording record information of the data structure on a recording medium, the record information including (1) one or more first information units, (2) one or more second information units, each of which contains one or more first information units, and (3) one or more third information units, each of which contains one or more first information units;

means for recording first identifying information on the recording medium, the first identifying information being related to each of the first information units and including a first data protect flag that prevents erasing or editing of a corresponding first information unit; and

means for recording second identifying information on the recording medium, the second identifying information being related to each of the third information units and including a second data protect flag that prevents erasing or editing of a corresponding third information unit,

wherein the first identifying information indicates whether a corresponding second information unit is in a logically erased state.

As discussed above with regard to claims 9, 11, 15, 17, 21 and 23, the Applicants submit that claim 27 is allowable over Kikuchi at least because Kikuchi does

not disclose or suggest at least the combination of record information including (1) one or more first information units, (2) one or more second information units, each of which contains one or more first information units, and (3) one or more third information units, each of which contains one or more first information units; means for recording first identifying information on the recording medium, the first identifying information being related to each of the first information units and including a first data protect flag that prevents erasing or editing of a corresponding first information unit; and means for recording second identifying information on the recording medium, the second identifying information being related to each of the third information units and including a second data protect flag that prevents erasing or editing of a corresponding third information unit; wherein the first identifying information indicates whether a corresponding second information unit is in a logically erased state, as recited in independent claim 27, as amended.

For at least this reason, the Applicants submit that claim 27 as amended, is allowable over Kikuchi. As claim 27 is allowable, the Applicants submit that claims 28 and 29, which depend from allowable claim 27, are likewise allowable over Kikuchi.

Claims 30-32

Independent claim 30 recites, in part:

means for recording record information of the data structure on a recording medium, the record information including one or more first information units and one or more second information units, each of which can be set by a user;

means for recording first identifying information on the recording medium, the first identifying information being related to each of the first information units and including a

first data protect flag that prevents erasing or editing of a corresponding first information unit; and

means for recording second identifying information on the recording medium, the second identifying information being related to each of the second information units and including a second data protect flag that prevents erasing or editing of a corresponding second information unit,

wherein the first identifying information indicates whether a corresponding second information unit is in a logically erased state.

As discussed above with regard to claims 12, 14, 18, 20, 24 and 26, the Applicants submit that claim 30 is allowable over Kikuchi at least because Kikuchi does not disclose or suggest at least the combination of record information including one or more first information units and one or more second information units, each of which can be set by a user; means for recording first identifying information on the recording medium, the first identifying information being related to each of the first information units and including a first data protect flag that prevents erasing or editing of a corresponding first information unit; and means for recording second identifying information on the recording medium, the second identifying information being related to each of the second information units and including a second data protect flag that prevents erasing or editing of a corresponding second information unit, wherein the first identifying information indicates whether a corresponding second information unit is in a logically erased state, as recited in claim 30, as amended.

For at least this reason, the Applicants submit that claim 30 is allowable over Kikuchi. As claim 30 is allowable, the Applicants submit that claims 31 and 32, which depend from allowable claim 30, are likewise allowable over Kikuchi.

Conclusion

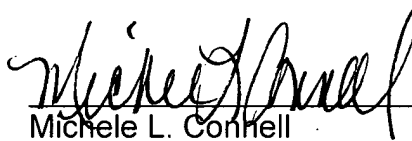
For all of the above reasons, it is respectfully submitted that claims 9, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24, and 26-32 are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 **referencing client matter number 107156-09069.**

Respectfully submitted,

Arent Fox, PLLC


Michele L. Connell
Registration No. 52,763

Customer No. 004372
1050 Connecticut Ave., N.W.
Suite 400
Washington, D.C. 20036-5339
Telephone No. (202) 857-6104
Facsimile No. (202) 857-6395

CMM/MLC:vdb

Enclosure: Petition for Extension of Time